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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights, Mr. Maurice Danby Copithorne, pursuant to Commission resolution 2000/28

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Executive summary

Iran today is a conundrum. It is possible to argue that Iranian society is more open now than it was five years ago. Certainly, every shade of opinion seems to make itself heard despite the massive suppression of the reformist press. Democracy in the form of popular elections continues to make progress. Some argue that the point of self-sustaining take-off has been reached.

However, it is also possible to conclude that breaches of human rights are in large part as egregious today as they were five years ago. The jailing of journalists and political dissidents, and the general denial of fair trial continues unabated. The equality rights, that is, those of gender and those to which minorities, both ethnic and religious, are entitled are by and large unrecognized. The efforts of the Majlis to make a modest start on the first group of rights have faced strong opposition. While there has been some unofficial indication of a limited improvement in the second, it is clearly not a popular cause outside the minority communities themselves.

The leitmotiv of political life in Iran today seems to be the struggle for power between two political elites, one claiming the support of the people, and the other the authenticity of religion and the revolution. This is being played out in the control of the electoral process, in the control of the media, in the improvement in the status of women and in the reform of the judiciary and the judicial process.

The Special Representative continues to believe - if somewhat cautiously - that progress is irreversible. The next year should tell whether this confidence is well placed.

Introduction

1. The year 2000 was a tumultuous one in the Islamic Republic. There were significant events in many sectors and many of them had an impact on human rights, their enjoyment and their denial.

2. Perhaps the most significant of these developments was the sharpening dispute between two groups of political elites generally, but not very accurately, characterized as reformers and conservatives. Neither group is monolithic. Reformers are to be found among the clerics and among businessmen. Conservatives, particularly on such equality issues as the status of women and of religious and ethnic minorities, are to be found throughout the elites and indeed throughout Iranian society. This leads inevitably to a rather chaotic and often sterile political discourse, and there have been calls for the development of a party system with politicians being obliged to espouse a more or less coherent package of policy positions and, in principle, be held accountable for the results. However, the system is such that the right to establish political parties, apparently guaranteed in the Constitution, has been recognized only selectively.

3. Perhaps the principal political development of the year were the Majlis elections in February in which a substantial majority of a large turn-out gave their vote to individuals who might be characterized as reformers. Despite certain constraints, the election was another important step on the road to democratic governance. However, the result was clearly viewed as dangerous by conservative elements, who undertook a number of countermeasures to constrain the reformist trend. Most notable was the wholesale suppression of the reformist press by the judiciary and their allies, the apparent encouragement of increasing violence by vigilante groups and organizations of youthful morality guardians and, generally, the use of the law enforcement agencies, the courts and their allies as instruments to suppress dissent, in particular that of students, journalists and intellectuals.

4. As the year went on, the President was increasingly expressing his frustration with the political situation. He suggested that the expectations of groups such as the students had become too great, while for their part the conservatives, in the name of religion, were resisting all change often by unconscienciable means. At one point he declared "certain political groups impose their will on society in the name of religion and this is a sign of the community's backwardness". The President continued to place great store in the full implementation of the Constitution but complained publicly that he did not have sufficient powers to do so. Later, he announced that a Constitutional court would be established to facilitate the implementation process. In October, it was announced that the heads of the three branches of government plus the head of the Expediency Council, meeting with the Supreme Leader, had agreed that "reform was a need as well as a necessity" and that the subjects to be at the top of the reform process were "the alleviation of poverty, corruption and discrimination".

5. During the year, increasing attention was paid to the socio-economic condition of the society. The President and his Government came in for criticism for neglecting the economic condition of the country and the severe impact this was having on the life of the average Iranian in terms of inflation, unemployment and a deteriorating public infrastructure. Public disturbances became more visible. By general consensus, the gap between rich and poor was

growing and the society was moving away from the implementation of the social rights set out in the Constitution - welfare, education and housing - and in the comparable international human rights norms.

6. All of this said, the Special Representative believes that Iran is going through a period of critical turmoil, a struggle for the soul of Iranian society, for certain values such as justice, one of the oldest political values going back to, the scholars say, the Achaemenian period, and for the more modern ones of accountable governance and the welfare and the dignity of all citizens. The Special Representative believes that change is clearly underway and that given certain foundational improvements that have taken place in areas such as women's education, democracy and health, the trend is now irreversible.

I. THE SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES

7. The Special Representative introduced his fourth report to the Third Committee of the General Assembly (A/55/363) on 1 November 2000. While in New York, he held consultations with representatives of the Government of the Islamic Republic of Iran and representatives of several non-governmental organizations based in North America. The Special Representative travelled to Geneva from 1 to 13 December 2000 to draft the present report. The programme for his stay in Geneva included a number of consultations and meetings with senior officials of the Government of the Islamic Republic and the Office of the United Nations High Commissioner for Human Rights (OHCHR). He also met with representatives of various non-governmental organizations and he received representations from interested persons concerning alleged human rights violations in the Islamic Republic.

8. In seeking to discharge his mandate, the Special Representative has used many sources of information, including the Government of the Islamic Republic, other Governments, individuals, non-governmental organizations and the Iranian and international media.

9. During the period under review, the Special Representative received written communications from the following non-governmental organizations: Association for World Education; Amnesty International; Baha'i International Community; Association for the Defence of Political Prisoners in Iran; Committee to Protect Journalists; Human Rights Watch; International Alliance in Support of Workers' Struggle in Iran; International Federation of Iranian Refugees; Iranians for International Cooperation; Iran National Front in Britain; National Council of Resistance of Iran; Organization for Defending Victims of Violence; Reporters without Borders; The Writers in Prison Committee, International PEN.

II. FREEDOM OF EXPRESSION

A. The press

10. In his interim report to the General Assembly, the Special Representative recorded the attack on the reformist press as being perhaps both the biggest story in Iran this year as well as the most evident mass suppression of human rights. By mid-summer, the press had been virtually closed down by the judiciary, with one senior member of the Guardian Council declaring this to have been "the best thing done by the Judiciary since the Revolution".

In mid-August, as the interim report was being finalized, a senior member of the judiciary was quoted in the press as saying that perhaps the closure of the press had gone too far and that a change of attitude could be expected. In fact, this proved not to be the case.

11. Accurate figures of the number of papers closed or subject to inquiry, and journalists in prison or subject to inquiry, are hard to come by. One knowledgeable estimate in mid-November was that 30 papers had been closed and 25 journalists prosecuted, of whom 9 were then in jail. On 28 October, the press quoted the Deputy Minister of Islamic Guidance and Culture as saying that no new press licences had been issued over the previous six months, apparently because the judiciary had delayed processing the applications.

12. An earlier initiative by the Majlis to amend the press law had run afoul of an unprecedented intervention by the Supreme Leader. Later, the Majlis had attempted to soften the legislation by formally declaring its interpretation of the operation of the statute, only to run afoul this time of the Guardian Council, which declared the statement of interpretation to be against Islam (see para. 97 below).

13. Some papers have been closed down without a hearing, that is to say the articulation of specific charges and the right of the respondent to rebut them. Other closures and jailings have been based, according to press accounts, on findings of:

Dissemination of false news;

Insulting religion;

Harming national security;

Inciting public opinion;

Propaganda against the State;

Striving to weaken the system;

Defamation;

Violating the election law;

all of which in the Special Representative's view, likely speak to a political agenda on the part of those laying the charges. In short, the campaign against the reformist press continued up to the date this report was finalized in mid-December.

14. Also in mid-December, it was announced that the President had finally accepted the outstanding resignation of Ayatollah Mohajerani, the Minister of Islamic Guidance and Culture and the author of the liberalization of the press and the arts. His letter said, in part, "the conditions and requirements that have taken shape in the realm of art, culture and the intellect have made it impossible for me to continue my duties ... We have not achieved any success worthy of our nation, writers and artists".

15. The Special Representative would draw the attention of the Commission to its most recent resolution on the right to freedom of opinion and expression (2000/38 of 20 April 2000), and in particular the concern expressed therein "at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment, involving through the abuse of legal provisions on criminal libel, of threats and acts of violence and of discrimination directed at persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information". The Special Representative believes the current situation in Iran to be one of the attempted and currently successful mass suppression of two fundamental human rights, the right to the freedom of expression itself and the right to be free from detention for seeking to exercise that right.

B. Students

16. The Special Representative believes that, as the socio-political situation continues to evolve, it is appropriate to take a more focused look at the status and role of students, particularly at the university level. As is the case in many societies, students and universities in Iran play a leading role in intellectual life and in the nurturing of change. The University of Tehran in particular is widely seen as a treasured resource in this regard. The difficulty is and has been, that the ideas of youth are often immature and, whether immature or not, are often anathema to governing elites who frequently see universities as communities of radical ideas hostile to the status quo.

17. In Iran today, the students are certainly playing a significant role in the search for new values, including greater freedom and an intellectual independence for individuals. The values associated with republicanism and theocracy are inevitably being re-examined. The recognition of human rights has often been at the heart of the discourse which although usually non-violent, sometimes results in mistreatment, injury and even death. Students were at the heart of major demonstrations in several cities in the summer of 1999 and again in 2000. These demonstrations have usually been the target of organized violence by Islamic vigilantes, the Basiji and others (see paras. 126-127 below).

18. In the spring of 2000, there were further arrests of student leaders, in particular some of those arrested in 1999 and subsequently released. In May, the press reported that vigilantes beat up pro-democracy students in an attack on a rally inside the campus of the University of Tehran. In mid-June, student activist groups complained of accelerating harassment. In early July, the Speaker of the Majlis referred to July 1999 as "a bitter experience", criticized those who made false accusations against students and said laws would be adopted to protect academic institutions from police intervention. The actual anniversary of the July 1999 demonstrations was marked by demonstrations and further arrests of students. The presence of anti-student vigilante groups was noted in the press.

19. In the middle of July, the Head of the Judiciary promised students that "the true offenders" of the 1999 incidents would be identified. Also outstanding is a complete accounting for all the students arrested in 1999 and not subsequently released. There are reports that there may still be several hundred in detention. Extraordinarily moving open letters from the families

of those imprisoned have come to the attention of the Special Representative, as has a "cri de coeur" about the state of his country by a student leader subjected to mistreatment before his release.

20. In late August 2000, the south-western city of Khorramabad witnessed the largest outbreak of violence since the July 1999 student demonstrations. The main national students' reformist group was holding its annual meeting in Khorramabad, for which it had received the necessary permission. Two leading reformers invited to speak to the meeting were blockaded in the airport for six hours, apparently by vigilantes bussed to the scene. Three days of clashes between students, vigilantes, police and other law enforcement agents ensued. According to press accounts, about 100 persons were injured and a policeman was killed. A number of students are said to be still in detention.

21. The aftermath was revealing. An investigating team from the State Inspectorate Organization, a branch of the judiciary, quickly declared that one of the Interior Ministry's deputy ministers and several local officials were responsible. The Supreme National Security Council, chaired by the President, rejected the report as "illegal". Student leaders said the report had "nothing to do with the truth". One was quoted as saying "It is an extremely bizarre situation. Our authorized seminar has been attacked and our members have been savagely beaten up by hard-line vigilantes. Yet, we are blamed for the riots". According to press accounts, the attacks were very well organized and could only have been carried out with the approval and support of powerful groups. The law enforcement agencies must come under suspicion in this regard.

22. It seems to the Special Representative that one has to look no further than the struggle against the Shah to appreciate how significant the role of students has been in seeking a better form of governance, a better life for Iranians. The Government must find a way to channel the enthusiasm of the students into open, constructive discourse about the future of the country.

III. THE STATUS OF WOMEN

23. In his interim report to the General Assembly, the Special Representative stated that despite certain improvements in the status of women, there had been little if any change in the systemic discrimination that Iranian women have been facing. He referred to the extensive section on women that appeared in the Human Development Report of Iran, 1999, focusing particularly on violence against women.

24. In the second half of 2000, the newly elected Sixth Majlis became the most active player in seeking improvement in the status of women. Too often, however, the reform legislation passed by the Majlis was rejected by the Guardian Council, apparently because it was deemed to be "un-Islamic". If rejected, legislation that is again passed by the Majlis and again rejected can then be brought before the Expediency Council, which can in effect overrule the Guardian Council. As of mid-December, the Majlis had enacted legislation in the following areas, but apparently none of the bills have as yet become law:

> Increase in the age of marriage without court approval for girls from 9 to 14 and for boys from 14 to 18;

Removal of the existing ban on unmarried women studying abroad;

Expansion of the grounds on which a woman may obtain a divorce;

Upon the death of employed women, the transmission of her pension rights to her children.

25. Despite the high rate of women university graduates, few private sector job opportunities exist for women, only 10 per cent of whom hold jobs outside the home. The women who are employed are treated unequally, not receiving the same pay for the same work and only rarely appointed to key posts.

26. A male academic was reported in the press as declaring that the fundamentalist strand that dominates Iran's decision-making centres has stood in the way of substantive advances for women. A woman activist declared, "it is not Islamic laws, but their interpretation by male scholars that is the main dilemma". A woman member of the Majlis declared, "what must be done is a reformation of male chauvinism in Iranian society".

27. The Special Representative calls on the Government to seek the cooperation of the Guardian Council and the Expediency Council in recognizing the will of the Iranian people as reflected in the initiatives of the Majlis, and to expedite the enactment of long overdue change to Iranian legislation affecting the status of women. In this regard, the Special Representative notes the statement on 25 July attributed by the Iranian press to the Head of the Judiciary to the effect that family court procedures will be reviewed "in order to put an end to the tyranny of women ... This has nothing to do with Islamic jurisprudence but rather originated from rather unhealthy norms prevailing in society".

28. The Special Representative would also draw the attention of the Government to General Comment No. 28 of the Human Rights Committee on article 3 of the Covenant (CCPR/C/21/Rev.1/Add.10, 29 March 2000), which provides new guidelines on equality of rights between men and women.

IV. LEGAL SUBJECTS

A. Reform of the judicial system

29. In his recent reports the Special Representative has noted the candid comments of the Head of the Judiciary 18 months ago on the state of that important component of government, and he has welcomed the prospect of reform. However, since then, despite much apparent discussion, mostly in private, very little has transpired other than the commitment to re-establish the procuracy by 31 March 2001.

30. Typical of the comments that continue to be made is that of the head of the legislative affairs branch of the judiciary, who was quoted in the press as stating "when you have a situation in criminal cases where one person brings a complaint and that same person is also the judge and the man responsible for enforcing the judgement, it can create the impression that the judge is not impartial". The Special Representative may be permitted to add, "yes indeed!".

31. More recently, the press reported that the Head of the Judiciary, at a public meeting, had said, "We need to undertake serious, prudent reforms in the Judiciary. The Judiciary is suffering from an old justice system dating back to the despotic regime of the Shah which made it difficult for independent and committed judges to function". In November, the Web site of an Iranian newspaper was reported to be carrying a detailed account of a recent circular letter by the Head of the Judiciary to all judges. According to this account, the letter made the following points:

> Judges were warned against "unjustified" detention of suspects and prisoners in solitary cells, preventing prisoners meeting with their lawyers, and summoning suspects by telephone and then detaining them without informing their families, "Unfortunately", some judges have "unsuitable" attitudes and their treatment of defendants and of suspects "has been in contravention of the rules of legislated and canonical laws".
>
> Judges needed to honour the human rights of defendants and must observe all the rules pertaining to procedural affairs.
>
> Torture, inhuman treatment of the suspects and defendants and violations of their human dignity was forbidden.
>
> Judges were not to discuss private matters and personal needs with any person who might be involved in a judicial case.
>
> Improper or unbecoming behaviour was to be avoided, as was "any action which might be injurious to the dignity and reputation of their profession or to the status of the judicial power. They must earn the respect and support of the public".
>
> The infringement of the rules and regulations on the rights of suspects and defendants would lead to prosecution and, upon conviction, to permanent dismissal. The heads of departments and courts were to ensure that the contents of the letter are enforced.

This is of course an important statement, which exposes or at least confirms certain critical weaknesses of Iranian judges. For a description of the present situation, see section B below.

B. Rules of fair trial and related matters

32. The concept of a fair trial still seems to be an elusive one for many Iranian judges. The Special Representative has in the past set out what he believes to be the essential qualities of a fair trail (see E/CN.4/2000/35, paras. 34 and 35). A number of these qualities are indeed covered in the Iranian Constitution. The worst offenders appear to be the Revolutionary Courts and the Special Clerical Court. Neither institution seems to accept the idea of open trials, of the presence of lawyers chosen by the defendants and the access of such lawyers to their clients at every stage, of the access of defendants to their families, of a statement of the facts alleged and charges flowing therefrom, of refusing to try the defendants in the media with the use, for example, of televised confessions and of advising the defendants or their lawyers before the verdict is published.

33. Occasionally the proceedings of Revolutionary Courts are open and the conduct of the judges is publicly exposed. In the current trial of the persons who attended the Berlin Conference (see paras. 88-94), the judge's comments were reported in the press as follows:

> "'You charged in a speech that there was censorship and a smothering atmosphere in Iran before President Khatami's election' said Moghadas, stabbing the air for emphasis and scowling from the bench. 'What you were saying was an absolute lie. This was not a fact, this was your opinion. Defend that!'"

On another occasion the same judge, on being informed by a defendant that he had been tortured by prison officials, told him to produce witnesses.

34. In the trial of the 13 Jews in Shiraz, defence counsel stated that no evidence was ever adduced that secret material was handed over by the defendants, despite which they were convicted. In the same case, mysterious Muslims alleged to have provided secrets to the Jews were never identified by the authorities or seen in court and were apparently released on bail months before the trial. It is an open question whether they were in fact ever brought to trial.

35. The problem of the lack of fair trial certainly seems to be widespread and one must wonder whether the recent circular letter by the Head of the Judiciary referred to in paragraph 31 above, will by itself really solve the problem. It seems to run much deeper, starting with the training of judges and, in particular, the evident need to instil an ethical sense of judicial integrity. Senior judges, particularly the heads of the courts in Tehran province, need to be seen as setting a high standard in this regard.

C. Lawyers and the Bar Association

36. Lawyers and more particularly their treatment by the judiciary have come to the fore over the past six months.

37. In June, a prominent human rights lawyer, Shirin Ebadi, was quoted in an interview as saying that she was not allowed to be present with two clients while they were being questioned, nor to interview them afterwards. Ebadi declared that the Bar Association had ignored her request that it pursue this matter with the court in question, and as she could not carry out her responsibilities, she had therefore resigned.

38. In late August, the press reported that another prominent defence lawyer, Mohammad Ali Jedari-Forouqi, had been arrested for "helping his client make false allegations against the country's judiciary" in an interview with the Voice of America. In September, he told the press that he had been released on bail after a month in jail only after agreeing not to talk to foreign radio stations. He declared he had spent 10 days in solitary confinement.

39. In September, Shirin Ebadi and another prominent human rights lawyer, Mohsen Rahami, were given suspended prison sentences and were suspended from practising for five years for "having slandered senior government officials". They had been arrested in July, refused bail for three weeks and subsequently tried in camera "due to national security".

40. In October, two members of the defence team of the Jews in Shiraz told the press they had been discharged by their clients amidst allegations the clients had come under pressure to take this step. Earlier, the lead defence lawyer had told the press that he and a colleague had been threatened that, if they did not admit their clients were guilty, they too would be charged with spying.

41. According to a press report in November, a prominent professor of law, Dr. Mohsen Esmaeili, was "found not to be a lawyer" and was suspended from teaching after taking part in a television interview in which he asserted that the press laws now in force were against the rules and regulations of constitutional law.

42. In mid-December, the press reported the detention of a lawyer, Nasser Zarafshan, who was representing the families of the victims in the serial murder case (see paras. 82-87 below).

43. In his interim report to the General Assembly, the Special Representative queried why the Independent Bar Association had not protested the suspension of the licences of Ebadi and Rahami. In fact, it subsequently did so, according to press accounts, asserting that under Iranian law, lawyers could only be suspended after a hearing by their peers.

44. The Special Representative finds such treatment of lawyers to be in gross violation of the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Special Representative takes note of the latest statement on this subject by the Commission on Human Rights in its resolution 2000/42 on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, of 20 April 2000, and he calls upon the Government of Iran to ensure that the independence of Iranian lawyers in the discharge of their professional activities is fully recognized by all government entities and in particular by the judiciary. Further, the Special Representative urges the Independent Bar Association to accept its responsibility to pursue this objective with urgency and determination.

D. Prisons

45. Over the past year, the overcrowding in the Iranian prison system has become a major issue. In October, one press account described Iran's prisons as "overcrowded dens of drugtaking, where the spread of infectious disease is rife". The Deputy Minister of Health was quoted as saying he had visited a prison in Isfahan where 16 men were kept in a cell 12 metres square. He said prisoners were at risk from the spread of AIDS, hepatitis and tuberculosis. Of those infected, 56 per cent had caught diseases through the sharing of syringes. He called for urgent action to "save the prisoners, their families, prison guards and eventually the whole of society from the spread of dangerous and infectious diseases". A senior official of the National Prisons Organization was quoted in September as expressing the view that criminality was rising at an alarming rate, adding that 650 children currently live in prisons with their mothers.

46. A Majlis inspection team has recently visited a number of prisons in Tehran province but, to the Special Representative's knowledge, their findings and recommendations have not yet been made public.

47. One of the continuing problems in this sector has been the "illegal" detention centres, that is to say facilities run by various government law enforcement agencies. Despite the testimony of former inmates, the existence of such institutions was traditionally denied by the Government. However, in recent years the Islamic Human Rights Commission has publicly insisted that they do exist. One of these is Towheed prison in Tehran, a notorious centre of much mistreatment of persons in pre-trial detention. These illegal institutions were to have been transferred to the National Prisons Organization, but this would seem not yet to be the case. According to the press, the Majlis inspection team referred to above visited two such institutions in Tehran province. The Special Representative trusts their report will be published soon.

E. Apostasy

48. In November 1999, the President declared at a press conference that no one should be persecuted because of his or her beliefs and that he would defend the civil rights of all Iranians regardless of their beliefs and religion. Recently the issue of apostasy has entered the mainstream discourse in Iran. However, the press reported that in connection with the July demonstrations at the University of Tehran, one of the students, Mr. Behrouz Javid-Tehrani, had been found guilty of apostasy by a Revolutionary Court in closed session.

49. In 2000, a cleric, Hassan Yusefi Eshkevari, was tried in camera by the Special Clerics Court for apostasy, Moharebeh (Waging war against God), spreading corruption, insulting religious sanctities and endangering national security. Eshkevari is described as a mid-level cleric who advocates greater pluralism and tolerance with regard to, for example, the Islamic dress code. He also faces charges in the Revolutionary Court as one of the Iranian participants in the April 2000 Conference in Berlin (see paras. 88-94 below). The Speaker of the Majlis has condemned the charges of apostasy and Moharebeh against Eshkevari as "unacceptable" and the President has declared that "the establishment should not be enraged because of criticism or condemn critics for apostasy". According to the press, the General Prosecutor for the Special Clerical Court admitted that "it has never been specified who is considered as an apostate, a Moharabeh or a corruptor". He added, however, that "the punishment of such a person is to be carried out in accordance with article 513 of the Law on Islamic Punishment; the punishment for insulting the sanctities of Islam ... is execution". According to the press, the Eshkevari family expects a death sentence. One commentator has observed that the Eshkevari case might be the first conviction for apostasy of a Muslim cleric since the Revolution. It remains for the Special Representative to state the obvious: such a conviction and such a sentence would be violations of international human rights norms, whatever the religion of the person concerned.

50. As has also been pointed out by the Special Representative and his predecessor on numerous occasions, the available evidence clearly suggests that Baha'is have been convicted of apostasy in Iran and that some of them have been executed. Two Baha'is, Mr. Musa Talibi and Mr. Dhabihu'llah Mahrami, have been in jail under conviction of apostasy and sentence of death since the mid-1990s. In both cases, there is unofficial information that the sentences have been commuted to life imprisonment. A third Baha'i under death sentence for apostasy was released in 1994, but the apostasy conviction does not appear to have been resolved. A fourth Baha'i, Mr. Ruhu'llah Rawhani, was executed in 1998, convicted of having converted a woman to the

Baha'i faith. The woman concerned refuted the charge. The Special Representative urges the Government to formally quash or lift the outstanding convictions against the first three Baha'is mentioned above, and that the first two also be released.

F. Executions

51. Information reaching the Special Representative has placed the number of executions reported in the Iranian press from 1 January to 1 December 2000 at about 200, with two other persons having been pardoned by the victim's family at the site of the prospective execution.

G. Torture and other cruel, inhuman or degrading treatment or punishment

52. In his interim report to the General Assembly, the Special Representative dealt in some detail with how torture had entered the public discourse, not least through the personal testimony of students detained in connection with the July 1999 student demonstrations. He also reported on what is believed to have been the first indictment for torture against a police officer. Since that report was written there has been other personal testimony of torture, including that of a political activist detained after the July 1999 demonstrations, Mr. Roozbeh Foraharipour, and most recently that of a detained journalist, Akbar Ganji (see para. 91 below).

53. On a more positive note, the Special Representative notes the specific reference to torture in the Head of the Judiciary's recent circular letter to the judges enumerating various types of conduct that will no longer be tolerated.

54. On several occasions in recent months there have been unconfirmed reports that the Head of the Judiciary has called for "the implementation of talion and retribution with their own form and formalities", i.e., their implementation in public.

55. The Special Representative once again calls upon the Government to implement fully Commission resolution 2000/43 on this subject, as well as the principles attached to that resolution.

V. THE STATUS OF MINORITIES

A. Ethnic minorities

56. In his interim report to the General Assembly, the Special Representative briefly described the Kurdish and Azeri communities in Iran, as well as their historically somewhat tempestuous relationship with the central Government. He also reported the views expressed to him by informants in these communities that they were being denied their rights to cultural autonomy as provided for in article 15 of the Constitution, as well as in relevant international instruments, in particular article 27 of the International Covenant on Civil and Political Rights. The same views would likely also be expressed by informants in the Baluch community whose condition the Special Representative has discussed before, as well as those in the Arab community.

57. In his interim report, the Special Representative reported on the impoverished state of the areas occupied by Kurds and the President's recent commitment to provide more central government funds to address the economic problems of these areas.

58. The Special Representative has recently received renewed representations concerning the whereabouts and welfare of seven members of the Democratic Party of Iranian Kurdistan reported to have been abducted in 1996.

59. In the case of the Azeris, the press has recently reported the publication of a letter to the President signed by academics and members of the Majlis which condemned racism and listed eight demands, including a Turkish language national television channel, the right to education in Turkish, economic development assistance and the filling of senior government positions with Azeris. In mid-September, the President visited West Azerbaijan, where, the press reported, he drew a roar of approval from the crowd by speaking a few words in Turkish and promising cultural and economic development assistance.

60. The Special Representative has received unconfirmed reports of the release from detention of the Azeri activist, Dr. Mahmudali Chahregani, whose background he described in paragraph 70 of his interim report.

B. Religious minorities

1. General

61. In Iran, the ideal of religious tolerance goes back a long way. With Cyrus the Great, the scholars report, there occurred a fundamental shift of outlook among rulers of the ancient Middle East. In the words of one scholar, "provided that public order was not threatened, individuals could do much as they pleased, and most were pleased to accept the religious traditions of their ancestors. Moreover, respect for the various religious practices came to be expected. The desecration of places of worship or of statues of the gods ceased to be a matter of pride, as it had been in earlier times".

62. The reality in Iran today is that politics have intruded upon this tradition. What have come to be known as the equality rights, gender equality and religious equality, are not yet generally recognized. Much has been written about the official and unofficial discrimination faced by the recognized minorities, as well as the active persecution faced by the unrecognized minorities. The Sunni Muslims also complain of discrimination.

63. Any discussion of religious intolerance in Iran should begin with the 1996 report of the Special Rapporteur on the question of religious intolerance (E/CN.4/1996/95/Add.2 of 9 February 1996).

2. Recognized religious minorities

64. In earlier reports, the Special Representative has described the condition of the three recognized religious minorities, the Zoroastrians, the Jews and the Christians. Despite having reserved seats in the Majlis and considerable freedom in their religious, educational and cultural

activities, they are monitored closely and have chafed under certain requirements such as, until recently, having a Muslim director of their schools. The recognized minorities have also faced a variety of discriminatory practices in the legal system such as, until recently, receiving lower awards in damage suits and incurring heavier punishment in criminal cases. Muslim men may marry non-Muslim women but not the reverse. By law and practice non-Muslims are barred from holding senior government or military positions.

65. In the case of the Jews there have been particular problems. The arrest, the prolonged detention without access to lawyers or family, at least at first, and the subsequent conviction of 10 of them under circumstances that were suspicious as to origin and unfair as to process have had a negative impact on the Jewish community in Iran. With regard to the 10 convicted, the Special Representative is informed that they are being kept in one of the "illegal" detention centres of the law enforcement agencies. A number of them should already have been released under a provision of Iranian law that permits release after 30 per cent of the sentence has been served.

66. The Special Representative is informed that anti-Semitism has been growing over the past three or four years, seemingly sponsored by State agencies. One example was the anti-Semitic serials shown on the "Voice and vision" programme of State television, which ignored complaints from the community and removed the programmes only when they became unpopular. Reports reaching the Special Representative suggest that, in early 1997, a fatwa opened the door to denying the passing of Jewish estates to the heirs on the grounds that they had been "connected to Zionism (or) international arrogance". Clearly, the President's Committee on the Implementation of the Constitution should be addressing such situations.

67. Evangelical Christians face particular hardships. The Government seems to equate Christianity with the traditional ethnic Christian communities in Iran. In fact, like the Baha'is, the evangelical Christians are Iranian by language and culture. They do not enjoy the limited rights of the ethnic Christians and are suspected of being engaged in conversion activities. Their worship services are subject to harassment and from time to time they have suffered persecution and even death for their beliefs.

68. The Special Representative condemns this harassment of minority groups and calls on the Government to take action to protect the rights of all religious minorities, as set out in the Iranian Constitution and in international legal norms.

69. There are now indications that the Government may be introducing some changes in the treatment of at least the recognized religious minorities. Government sources state that the religious minorities may now appoint one of their own as school director and that this has already happened in the case of three Armenian schools. Secondly, the granting of lower damage awards to members of minority religious groups is now being actively discouraged and three courts have already abolished the practice. Thirdly, there is an increase in the number of minority language courses taught in religious minority schools and there is an effort to institutionalize the teaching of minority languages in accordance with article 15 of the Constitution. Fourthly, a special committee has been set up in the Ministry of the Interior to address the problems of the religious minorities.

70. All of this is good news and hopefully these intentions will be fully implemented. It should be noted, however, that so far they do not appear to apply to the ethnic minorities nor to the non-recognized religious minorities.

3. The Baha'is

71. Concern about the human rights situation of the Baha'is remains on the agenda of the Special Representative with reports on situations of discrimination and persecution. Despite some promising reports, the Special Representative understands that the Baha'i community continues to experience discrimination in the areas of, inter alia, education, employment, travel, housing and the enjoyment of cultural activities. Baha'is are still in effect prevented from participating in religious gatherings or educational activities.

72. Ten Baha'is remain imprisoned and at least two of them, Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, are subject to the death sentence (see annex II). Owing to the practice of conveying verdicts orally instead of providing prisoners with a copy of the court decision, it is difficult to determine their status (see annex II). The Special Representative received a letter dated February 2000 from the Permanent Representative of the Islamic Republic of Iran to the Office of the United Nations at Geneva stating that spokesmen for the judiciary had denied confirmation of the death sentences of Hidayat Kashifi Najafabadi and Sirus Dhabihi-Muqaddam. The Special Representative has received information from other sources that confirms that the death sentences of Hidayat Kashifi Najafabadi and Sirus Dhabihi-Muqaddam have been commuted to five and seven years' imprisonment respectively.

73. Concerning the case of the six Baha'is briefly detained during the raids on the Baha'i Institute for Higher Education in 1998, the Iranian courts have now decided to return their confiscated property, as the charges against them were not substantiated.

74. In his interim report, the Special Representative reported the elimination of questions regarding religion at the time of the registration of marriage. There are now reports that religion will also no longer be requested in the matter of registration of birth, divorce or death.

75. Another important development is the report that the Baha'is will be allowed to re-establish their cemetery in Tehran. This has been one of the outstanding demands of the Baha'i community, whose cemeteries, holy places and administrative centres were seized shortly after the 1979 revolution.

76. In acknowledging the positive changes reported in paragraphs 73, 74 and 75 above, the Special Representative wishes to reiterate his appeal to the Government of the Islamic Republic to implement his outstanding recommendations (A/53/423, para. 45), as well as those of the Special Rapporteur on religious intolerance (see E/CN.4/1996/95/Add.2).

4. The Sunnis

77. The Special Representative has regularly received complaints from members of ethnic minority groups that are Sunni by religion. This applies particularly in the case of the Baluch,

the Kurdish Sunni community and the Arabs. The complaints of discrimination, harassment, even murder have been particularly strong in the case of the Baluch. With regard to the Kurdish Sunni community, the Special Representative has received a long list of cases of alleged bureaucratic obstruction of applications to build or rebuild Sunni mosques.

78. In late November, the press reported a speech by a Sunni Kurd member of the Majlis in which he spoke out strongly about what he described as a "campaign of repression, serial murder and the banning of the faith of Sunni Kurds".

79. Finally, the absence of a Sunni mosque in Tehran has been a longstanding source of complaint that was raised in the Majlis in June 1999.

C. A national minorities policy

80. In his interim report to the General Assembly, the Special Representative urged the Government to adopt a national minorities policy. It is self-evident, on the one hand, that certain minorities are among the poorest and most disadvantaged people in the country and, on the other, that most minorities are not enjoying the rights set out in article 27 of the International Covenant on Civil and Political Rights, nor indeed even the limited rights set out in the Constitution.

81. The Special Representative reiterates his recommendation that the Government begin work on a national minorities policy as a matter of priority, with the full involvement of the minorities themselves. As a first step, the Special Representative urges the President's Committee on the Implementation of the Constitution to speed up its work with regard to minority rights.

VI. TREATMENT OF INTELLECTUALS AND POLITICAL DISSIDENTS

A. Serial murders and disappearances

82. In each of his recent reports the Special Representative has reported on a string of murders in late 1998 and early 1999 of intellectuals and dissident political figures which have become known in Iran as the chain or serial murders. By some reports, the chain stretches back over a number of years and forward at least to the end of 1999 and has claimed many lives.

83. In his interim report to the General Assembly, the Special Representative noted the tortuous and suspicious course of events around government efforts to investigate the murders and bring the culprits to trial. There has developed a widely held perception that a full revelation would identify people in high places. In March 2000, a newspaper editor apparently knowledgeable about this affair escaped an assassination attempt. Subsequently, two prominent human rights lawyers were arrested in connection with the making of a video of a former Ansari Hezbullah member in which he revealed certain connections between the perpetrators and senior officials of the regime.

84. In late November, the deputy head of the judiciary announced that the trial of 18 persons would open on 23 December, 3 as principals and 15 as accomplices. The press reported that the

files were being examined by the lawyers of the victims' families. All but 2 of the 18 defendants were out of jail on bail, which prompted one journalist to inquire why his colleagues were in jail without bail for reporting on the case while most of the alleged perpetrators were free.

85. A series of memorial services for the victims in November and December led to demonstrations and clashes with the police. According to the press, a number of persons, including family members were detained. Most of them were subsequently released, some after being charged with "undermining State security" for distributing leaflets. One family member was quoted as saying, "After two years, we still do not know who butchered my parents". Meanwhile, some 300 political and literary figures released an open letter calling on the Government to make public the results of the investigation. The press reported the Head of the Judiciary as saying the murders were like "a tumour within the intelligence services".

86. The Government's unease in this matter is quite evident. To the Special Representative's knowledge, none of the promised reports on the scandal has been published. It remains to be seen how much will come to light at the December trial.

87. In the meantime, the Special Representative wants to reiterate his deep concern over this tragic abuse of the human rights of the victims, and his dissatisfaction with the way the Government has handled the investigation over the prolonged period of two years.

B. The Berlin Conference trial

88. In April 2000, the Heinrich Böll Foundation of Germany sponsored an international conference in Berlin on the future of Iran. At the conference, certain provocateurs chanted dissident slogans, a woman danced and a man stripped. These scenes were filmed by the Iranian State broadcasting organization and a 10-minute distillation was subsequently shown repeatedly over Iranian television. The reaction was predictable and many of the Iranian participants at the conference were arrested on their return to Tehran. The principal charges were reported to be "harming national security" and "spreading propaganda against the regime".

89. Subsequently, a translator of the German Embassy in Tehran, Said Sadr, and a freelance translator, Khalid Rostamkani, reportedly neither of whom attended the conference, were charged with "waging war on God", and a student leader with "spreading lies", "creating crisis" and "espionage". In November, a German national contracted by the Böll Foundation to organize the conference was indicted along with four Iranians for "acting against Iran's security by organizing the conference, whose purpose was to topple Iran's government system".

90. The Iranian defendants include a number of well-known intellectuals, lawyers, journalists and politicians, having in common support for the reform cause in Iran. The press has focused on the treatment of two in particular, a mid-level cleric, Hassan Yosefi Eshkevari, who, in separate proceedings before the Special Clerics Court, was being tried for apostasy and other crimes that could attract the death penalty (see para. 49 above), and Akbar Ganji, a feisty investigative journalist who had been focusing on the serial murders (see paras. 93-98). Except for these two, who faced the most serious charges, the others were, after various periods in detention, released on bail.

91. One of the first defendants to come to trial was Akbar Ganji. According to press reports, he stated in court that he had been kicked and punched by four prison guards and a warden while hung upside down in a cell. He reportedly spent 80 days in solitary confinement, although this has been denied by official sources, as well as being deprived of access to his family and lawyer.

92. By mid-December, no other defendants had been brought to public trial, although two, Mehrhangiz Kar, a lawyer prominent in women's and children's causes, and Shahla Lahiji, a publisher, were reported by the press to have been convicted at an in camera session of the Revolutionary Court during which they had "confessed".

93. These trials are showing up very clearly the need for the law being drafted by the Majlis on the definition of political crimes. The President himself has pointed out that, as things stand, acts viewed as in conformity with public interest and national security by one person may be viewed as quite the reverse by another. With regard to the Ganji case, the President was quoted as saying he "cannot imagine why the presiding judge came to the conclusion that any guilt had been committed in this case".

94. On the basis of the information available to the Special Representative, none of the defendants had engaged in activity that could possibly give rise to credible legal charges. It goes without saying that the charges against two professional translators who did not even attend the conference are an outrageous abuse of legal process. As a political matter, the Special Representative is very surprised at the fact that the judiciary has so completely played into the hands of the provocateurs in this incident.

VII. DEMOCRACY AND CIVIL SOCIETY

95. In February 2000, elections were held for the Sixth Majlis. Before the elections, there was a very public debate over the role of the Guardian Council in vetting candidates. The Minister of the Interior denounced as illegal the rejection of candidates without giving reasons and even after the deadline set by the election law. According to press reports, in the end the Guardian Council succeeded in excluding some 500 candidates. After the elections, the Guardian Council, again over the opposition of the Ministry of the Interior, nullified a number of the elections without presenting evidence or explanations. The press noted that some of the winners in such ridings were supporters of President Khatami and that some of them were Sunnis. In total, election results in 11 ridings, as well as one third of the votes cast in Tehran, were nullified.

96. Among the candidates excluded were the leader and 12 members of the Freedom Party, one of Iran's oldest political parties. This was despite calls from some ministers that they be allowed to run. Another long-established but unregistered political party, the Iran Nation Party has traditionally not attempted to present candidates in Majlis elections. Three of its leaders were convicted by a Revolutionary Court in February of mostly vague offences arising out of the July 1999 student demonstrations. One was sentenced to 15 years and two to 13 years in prison. In each case, eight years of the cumulative sentence were for forming an illegal party, that is, one that the government office concerned had refused to register. By letter dated 4 December 2000, the Permanent Representative informed the Special Representative that their sentences had been commuted to one year and that, having been served, the three had been released.

97. When the Majlis got down to work in August, it quickly ran into obstacles. The first was with the judiciary over the right of the Majlis, in accordance with article 90 of the Constitution, to investigate complaints brought to its attention concerning other branches of government. A compromise was eventually worked out. A more formidable obstacle was the Supreme Leader's order that a press law amendment bill be removed from the Majlis agenda. This action by the Supreme Leader was unprecedented and led to demonstrations in favour of and against it. The Sixth Majlis soon found out that many of its legislative initiatives were not to the liking of the Guardian Council, which rejected a number to do with the status of women. One Majlis member was reported in the press as declaring the action was "an insult to women and Islam". In an effort to ameliorate the impact of the existing press law, the Majlis had formally promulgated its interpretation of the operation of the statute, only to have it declared to be contrary to Islam by the Guardian Council. The Chair of the Majlis Committee on Judicial Affairs, himself a cleric, was reported in the press as declaring that the Guardian Council had "no right to express opinions on the Majlis interpretation of existing laws". According to press reports, the Guardian Council has rejected 17 of the 44 bills approved by the Majlis during the second half of 2000.

98. In August, the new Majlis passed a bill that would bar the police from entering universities without permission. Another important legislative initiative was the creation of a right of access for criminal suspects to a lawyer during all phases of investigation and interrogation. The draft forbade any interrogation of the defendant by the judge outside of the court and made it an offence for a judge to ignore the right to counsel. In November, a Special Committee of the Majlis was set up to investigate complaints of those persons in detention awaiting trial who had been charged with political or press offences.

VIII. OTHER IMPORTANT MATTERS

A. Economic, social and cultural rights

1. The Government's fiscal policies

99. In his interim report to the General Assembly, the Special Representative focused on labour and social conditions, as well as the relationship of such factors to the enjoyment of human rights. Since then, a new budget has been introduced which has triggered a renewed debate about the Government's fiscal policy and the implications for the welfare of the Iranian people.

100. The debate, as reflected in the Iranian press, has focused on whether the means of addressing the budgetary deficit "will result in a vicious circle of selling more foreign currency at higher rates [that will lead to] another reduction in the value of the national currency [resulting] in intensification of inflation and a reduction in people's purchasing power". This year's projected sales of foreign exchange will, it is claimed, increase the liquidity of the currency by 23 per cent resulting in a 17 to 20 per cent inflationary impact. It is argued that in recent years the relationship between price levels and purchasing power has deteriorated so badly that there has been a significant decline in domestic discretionary spending power, along with an adverse impact on production and jobs.

101. It was recently asserted by a senior adviser to the President that, while the management of national development is the main economic challenge facing the Government, there is confusion in economic management and no serious supervision of approved programmes. Others suggest that the Third Development Plan "is not the sole criterion for the economic development of the country". Rather, it is political demands upon the budget process, such as the current 43 per cent increases in security and judiciary related expenditures, that are driving the budget deficits. Only a small proportion of the large revenue increases resulting from the sharp rise in the price of oil is reaching the people, who, it is the general consensus, are facing inflation, unemployment and a deteriorating social infrastructure.

2. Job creation

102. The unemployment estimates from official or semi-official sources range from 12 to 16 per cent, with some speculating that these figures are a gross underestimate. In addition, the results of the uncontrolled birth rate in the first years after the Revolution are now reaching the job market. Official estimates place the number of persons entering the job market as 250,000 a year. According to the press, in the first half of the current Iranian year only 40,000 new jobs were created.

103. The Human Development Report of Iran, 1999 states: "the burgeoning labour force is not the only factor in the rising rate of unemployment; unsuitable education and training, the uneven geographic distribution of labour supply and demand, and the economy's shift towards capital intensive technologies have also undermined employment. Indeed government intervention in the pricing system, the introduction of an unrealistic foreign exchange rate, low interest rates in the banking system and legal and regulatory restrictions on the labour markets have all contributed to lower capital costs and higher labour costs".

104. To address in part the unemployment situation, earlier in the year the Government included a provision in the Third Five-Year Plan requiring the repatriation within five years of the approximately one million foreigners, mainly Afghans, now working in Iran. This, of course, has raised concern on the part of the agencies working with Afghan refugees. It is conventionally said that the Afghans mainly fill jobs that Iranians would prefer not to take.

105. What is clear is that Iran is facing a crisis in jobs that is going to require much more tightly focused attention than it has apparently received to date.

3. The plight of the workers

106. Iranian workers face a variety of problems, assuming they do have employment. One of the most pressing is the non-payment of salaries. In September, the press reported that the Director of the government-sponsored Khaneh Kargar organization declared that some 80,000 industrial workers had been unpaid for 3 to 36 months. In October alone the press reported 38 worker protests involving demands for unpaid wages.

4. Emigration

107. In his interim report to the General Assembly, the Special Representative noted that Iranian migrants were turning up in many parts of the world. One recent British press story reported that the 4,000 Iranians seeking asylum in the United Kingdom last year made them the third largest national group of claimants. In early December, Iranian television carried an unconfirmed report that 4,500 Iranians had been expelled from Croatia in the previous 10 months. Similar reports have surfaced from many European countries, along with reports of substantial increases in the number of immigration applications received by foreign embassies in Tehran. The press describes the main motivation for an estimated several thousand who each month seek to leave the country as economic. However, many of the migrants have skills Iran sorely needs to retain.

B. Children

108. As reported by UNICEF, Iran has now achieved all the goals laid down at the World Summit for Children in 1990, except that for malnutrition. The enrolment rate in primary education has risen to 96 per cent at the national level; immunization rates are above 97 per cent and infant mortality (29 per 1,000), under-five mortality (33 per 1,000) and maternal mortality rates have all fallen significantly.

109. There are also positive developments in the area of juvenile justice. Juvenile courts have been re-established and the number of juvenile judges is growing. The Third Five-Year Development Plan provides that, by the end of 2004, Juvenile Correction and Rehabilitation Centres will be established in all provinces. Judges have begun issuing alternative sanctions, such as sentencing young offenders to undertake vocational training or to stay at home under the supervision of their parents. The judiciary has agreed to set up a joint committee with UNICEF with the aim of drafting a juvenile code by the end of 2001.

110. These initiatives reflect the recommendations made by the Committee on the Rights of the Child (see CRC/C/15/Add.123) after its examination of Iran's initial report in May 2000. In its concluding observations, the Committee expressed its concern that persons under 18 could be prosecuted for crimes in the same manner as adults, were potentially liable to the same penalties as adults (including punishments such as amputation, flogging and stoning which the Committee found incompatible with the Convention), could be subject to deprivation of liberty without due process and, apart from facilities in some large cities, could be held in detention with adults. From the perspective of the rights of the child as victim, the Committee expressed its serious concern over article 220 of the Penal Law, which provides that a man who kills his own child or his son's child is subject only to discretionary punishment and the payment of blood money.

111. The Committee found a major problem in the definition of the child. Article 1212, note 1, of the Civil Code and article 49, note 1, of the Islamic Penal Law provide for the attainment of majority at predefined ages of puberty which results in arbitrary and disparate applications of laws and discrimination between girls and boys with respect to legal capacity, civil liability and age of criminal responsibility.

112. The prospect of forced early marriages are reportedly one of the underlying causes of a relatively recent phenomenon, that of runaway girls. The problem has reached such proportions that, in 1999, Tehran and other cities established a network of shelters. As reported in the press, the number of runaways has increased by 30 per cent in the past year and an average of 45 Iranian girls run away from home each day.

113. Runaway girls make up a large proportion of the 25,000 children who live in the streets of Tehran. It is reported in the press that some 100 to 150 of them die every night. The increase in the number of street children, drug addiction and prostitution among high school students, and suicide rates are no doubt an expression of the social crisis facing Iranian youth.

114. An urban runaway girl was the major character in a recent Iranian film. Apart from prostitution and drugs, the girl had to face another threat, forced virginity tests. As widely reported in the press, adolescent girls are picked up by morality squads on suspicion of fraternizing with members of the opposite sex who are unrelated to them and coerced into taking such tests. According to the Committee on the Elimination of Discrimination against Women, forced gynaecological examinations constitute "a violation of the bodily integrity, person and dignity of women" (A/52/38/Rev.1, para.178). Drawing on the concluding observations of the Committee on the Rights of the Child on the initial report of South Africa (CRC/C/15/Add.122, January 2000), the Special Representative, in the context of articles 16 and 24.3 of the Convention on the Rights of the Child, urges the Government of Iran to introduce guidelines for the law enforcement agencies and the medical profession that would preclude this practice. The Medical Association should declare this practice to be unethical.

115. The Special Representative is informed that the Labour Code prohibits the employment of minors under 15 years of age and places special restrictions on the employment of minors under 18. However, he also understands that the law implicitly permits children to work in agriculture, domestic service and some small businesses. Furthermore, the recent exemption of workshops with five employees or less from the application of the Labour Code will have the same effect. In February 2000, Sobh Emrouz reported that the rate of "renting" a child's labour for one year in the carpet industry was 25 dollars to 180 dollars. In the light of information provided by the Government according to which the law and practice in the country concerning the prohibition of child labour is in conformity with the relevant international standards, the Special Representative encourages the Government to ratify the ILO conventions concerning child labour, including the Convention concerning the Minimum Age for Admission to Employment (No. 138), and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182).

116. The Special Representative joins the Committee on the Rights of the Child in expressing his concern at the broad and imprecise nature of Iran's general reservation to the Convention on the Rights of the Child which potentially negates many of the Convention's provisions. The Special Representative encourages the Government to review its reservation, with the objective of withdrawing it in accordance with the Vienna Declaration and Programme of Action.

C. The Islamic Human Rights Commission

117. The Islamic Human Rights Commission (IHRC), after a slow start in 1995, is now making quantifiable progress. From time to time its name appears in the Iranian press as pursuing politically difficult or unpopular human rights causes such as torture, illegal places of detention and the fate of persons who seem to have "disappeared" in the judicial system. Its reporting, at least in English, is also improving although it still suffers from being rather too self-promotional and lacking in sufficient detail about the outcome of private claims it has taken up, that is, the remedies obtained for the complainants. From one current publication, the Special Representative notes that the IHRC has prepared eight "supervisory reports", some of them on important and politically sensitive issues such as the events at Tehran and Tahriz universities in July 1999, the notorious serial murders, the continuing violations of the rights of the press, and the "violation of the constitutional rights of the people". Unfortunately, the report gives no impression of the influence the IHRC has been able to have on these matters.

118. In its appeals report for 1999/2000, the IHRC records that by far the two largest categories of complaints concern the judicial authorities and the "right of enjoyment of fair trial". However, no information is provided on the remedies it has been able to achieve where the complaints have been found to be meritorious.

119. In late November, the press carried a story attributed to the Iran News Web site, quoting an interview with the Executive Secretary, Mohammed Hosseyn Zia'far. He noted that the examination of the 1998 serial murders "had taken far too long", certainly from the perspective of the "citizen's right to know". He expressed the hope that an IHRC representative would be allowed to sit in on the court hearings. He also noted that "Our journalists are being slapped in the face and by enduring [it] and exercising patience, they are teaching State officials that nothing can be solved without tolerance and restraint".

120. At the request of the relatives of one of the students detained after the 1999 student demonstrations, an IHRC representative had met with the student concerned.

121. The Special Representative looks forward to such information being made public more often and more promptly.

D. Violence in Iranian society

122. Some philosophers argue that a credible legal system has to have a moral baseline, that, in the end, morality reflects natural law values which to a greater or lesser extent, depend on values that are for most people religious in nature. Thus, law cannot be put in a position of simple opposition to religion. In the Special Representative's opinion, human rights, with their emphasis on the dignity and integrity of the individual, clearly have a natural law, a religious basis. However, certain conduct, characterized by some as religious, is not in fact valid in human or in moral terms. This certainly includes the use of violence and the belief that its use in the name of religion, or other cause, justifies an otherwise immoral act, one that tramples on the human rights of other human beings. Surely, noble ends cannot justify immoral means.

123. Commentators, both inside and outside of Iran, have noted the tendency to violence that exists among some elements of society. Put generally, it is an intolerance of the views of others that, in the extreme form, leads to murder. Sometimes, it is justified, in simple minds and the minds of those who direct them, in terms of religion. Clearly, the hearts and minds of the people as a whole will not be won over by such tactics. Even more to the point is the dignity, the human rights, of those made to suffer in this way. In the Special Representative's view, there can be no justification for such conduct nor for the failure of those in leadership positions to speak out against it.

124. An Iranian NGO publication, in its February 1999 issue, declared:

> "The denial of truth causes violence. We cannot claim to be Muslim and by using irreligious and immoral approaches try to reform the others. We cannot justify our violent and immoral behaviour and destroy the unity of society in favour of some group deprived of power, under the name of morality and religion".

125. A recent revealing example is the attempted assassination in March 2000 of Sayeed Hajzarian, a former deputy intelligence minister and reportedly an architect of the civil society concept for Iran. He is said to have been declared an apostate by certain prominent clerics. According to press accounts of the trial, the young men concerned thought they had been instructed to kill Hajzarian and felt no remorse over their act. In August, violence was used to stop two invited speakers from appearing at an authorized annual student conference in Khorramabad. In November, violence was used to interrupt a political meeting in Bushehr where, according to the press, knives, axes and brass knuckles caused injury and the need for the police to intervene to rescue the members of the Majlis speaking at the meeting.

126. Based on anecdotal information, it would seem that violence by extra-legal vigilante groups such as the Ansari Hezbullah and authorized groups such as the Basiji has become worse as the political situation in the country has grown more tense. While in the past such groups appeared to be usually satisfied with the disrupting of a speech at a university or the showing of a film at a cinema, now injuries and deaths are commonplace. The raid on the University of Tehran student dormitories in July 1999 resulted on one death and the Khorramabad incident in 2000 also resulted in a death. Some government ministers have spoken out against such violence but to no avail. At the present time, the law enforcement agencies appear to be unable to touch such groups, presumably because of their highly placed protectors. Indeed, if recent confessions by former members of such groups are to be believed even in part, it would seem that highly placed figures may well have themselves resorted to manipulation of these young persons for political purposes.

127. It is the Special Representative's view that resort to violence, whatever the cause, is highly destructive of law and order and, in general, the credibility of governance. No one can be above the law. Otherwise, the rule of man rather than the rule of law prevails. It is imperative that this deeply debilitating aspect of Iranian society be addressed by the leadership.

E. Drugs

128. Drugs continue to be a security and social problem for the Government. Iran remains a major transit point for narcotics being transported from Pakistan and Afghanistan to markets in Europe and the Persian Gulf countries. The efforts made by the Iranian authorities to stop this traffic have been internationally recognized, but have not prevented the spread of drug abuse in Iran itself.

129. Iran is the world leader in drug seizures, with more than 200 tonnes of opium seized annually. According to United Nations statistics, 80 per cent of seizures of opium worldwide are carried out by the Iranian authorities. Yet, it is estimated that this represents only 20 per cent of the smuggled drugs that flow across the border. In 1998, the number of drug traffickers arrested in Iran was triple the number arrested in 1989. The question is whether these figures are indicators of the Government's success or simply reflect an increased level of drug trafficking activity. Notwithstanding the enormous effort made by the Iranian authorities, expert opinion seems to be that real success would require significant regional and international cooperation.

130. In the eastern border areas, kidnappings and extortion by armed bandits and drug traffickers are posing a serious threat to the life of local residents. According to the Iranian press, members of the youthful Basiji volunteers guarding 30 villages near the border will be allowed to carry arms. Since 20 March 2000, 77 shoot-outs have occurred between the Basiji and armed bandits and drug dealers.

131. According to government reports, in 1999 alone, 740 drug dealers and 174 Iranian police officers were killed in narcotics-related battles throughout Iran; 37 drug traffickers were sentenced to death and executed from September to December 1999. While acknowledging the magnitude of the challenge faced by the Government of Iran, the Special Representative would reiterate his request for more precise information on the protection of human rights within Iran's drug interdiction policies.

132. From the internal demand side, as stated in the Human Development Report of Iran, 1999, concentration on bans and penalties, with limited provisions for addiction treatment has not proven particularly successful. On the basis of statistics released by official organs, 2 million Iranians are addicted to drugs, 100,000 of whom are in prison. According to government figures, about 1,000 people died last year owing to improper consumption of drugs. Drug injection is responsible for 67 per cent of the 1,804 registered cases of AIDS.

133. In a step forward, the Government of Iran is now openly recognizing the extent of the social problem generated by drugs in the country and the great strain it is imposing upon the social and prison system. According to official statistics, over two thirds of the prison population is there on drug-related charges. Addiction is increasingly seen as an illness, rather than a crime. Opium and heroin are discussed openly in the Iranian media. If the geographic proximity to the major drug production centres has given Iranians easy access to narcotic drugs, other factors such as the youth of the population (93 per cent of the addicts are between 23 and 44 years of age), expanding urbanization, a paucity of leisure activities and economic hardship are also relevant.

134. There continue to be unconfirmed reports of perhaps local involvement of government officials in the drug trade, as well as of the use of the fight against drug traffickers to disguise measures against opponents. One such allegation appeared in Aftab-e Emrouz, on 6 November, quoting a statement by a member of the Majlis.

IX. CORRESPONDENCE WITH THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

135. For correspondence between the Special Representative and the Government of Iran, please see annex II.

X. CONCLUSIONS

136. The year under review has been a difficult one for Iranians. It has simultaneously been full of hope and despair.

137. Freedom of expression certainly falls into the latter category. The suppression of the reformist press, the imprisonment of journalists, the violent confrontations with students, as well as their imprisonment and mistreatment, leaves many people feeling the President has lost his struggle to create a more tolerant society operating under the rule of law. As he has done before, the Special Representative urges all the branches of the Government of Iran to work together to achieve freedom of expression, itself a foundational human right.

138. With the election of the Sixth Majlis, there is now one branch of the Government of Iran that is beginning to address the systemic discrimination faced by women in the country. Its initial efforts have been met with strong opposition, which as of mid-December shows no sign of abating.

139. As the Special Representative has observed before, he believes the legal system and particularly the judiciary to be in desperate need of repair. Only when the judiciary as a whole, including its related agencies, accepts as a pre-eminent value the dignity of the individual can there be progress in making human rights a reality for Iranians. The Special Representative urges the Government to expedite a thoroughgoing reform of the judiciary.

140. In Iran, the status of minorities remains a neglected area of human rights. There are some initial glimmers of change, but there is a long way to go in terms of achieving a more forthcoming approach to the concerns of the minorities, both ethnic and religious. The Special Representative urges the Government to address this matter in an open manner, with the full involvement of the minorities themselves.

141. The murders and disappearances of intellectuals and political dissidents is a stain on Iran and will remain so until all the outstanding questions are answered and the perpetrators brought to justice. The trials of those on trial for attending a conference in Berlin have the strong appearance of farce, except of course for those going through this unreal experience. The Special Representative urges the Government to bring this process to a quick conclusion and to discharge the defendants.

142. With regard to economic, social and cultural rights, the Special Representative urges the Government to address those areas causing so much hardship to so many Iranians, inflation, unemployment and a general deterioration of the social infrastructure.

143. Violence in Iranian politics is a primitive if not barbaric instrument which debases a classical Persian value, the high ideal of justice. Its own pride should surely move the Government to address this dark shadow on its reputation.

144. In this report, the Special Representative has addressed the subject of children. He has noted the comments of the Committee on the Rights of the Child and trusts the Government will work to implement its recommendations. The Government also needs to address the crisis of urban youth disillusionment and the resulting social crisis that calls out for urgent action by families, as well as the Government.

145. Finally, the Special Representative notes with regret that he continues to be unable to visit the Islamic Republic. He calls on the Government to return to full cooperation with the Commission on Human Rights in this regard.

Annex I

INFORMATION ON THE SITUATION OF THE BAHA'IS

The following is based on information received by the Special Representative.

1. Of the three Baha'is arrested in Isfahan for their involvement with the Baha'i Institute of Higher Education and who received verdicts on 16 March 1999, only Ziaullah Mizapanah is still under house arrest. Sina Hakiman and Farrad Khajeh have been released.

2. Sonia Ahmadi, arrested on 1 May 1998, charged with taking part in Baha'i moral education classes and sentenced to three years' imprisonment, was released in October 2000 after 30 months of imprisonment. No news has been received regarding Manuchechr Ziyäi, arrested at the same event.

3. Manuchehr Khulusi, a resident of Khurasan who was reportedly arrested on 9 June 1999 and transferred to Mashhad with no clear indication as to the charges brought against him, was also released in May 2000. The status of the verdict against him, however, is unclear.

4. Other Baha'is remaining in Iranian prisons include Bihnam Mithaqui and Kayvan Khalajabadi, arrested on 29 April 1989 and sentenced to death; Musa Talibi, arrested on 7 June 1994, charged with apostasy and sentenced to death but whose case is now being processed for commutation of sentence; Dhabihu'llah Mahrami, arrested on 6 September 1995, charged with apostasy and sentenced to life imprisonment, following commutation of a death sentence by the President; Mansur Haddadan, arrested on 29 February 1996, sentenced to three years in prison; Sirus Dhabihi-Muquaddam, Hidayat Kashifi Najafabadih and Ata'u'llah Hamid Nasirizadih, arrested in November 1997, sentenced to seven, five and four years' imprisonment respectively, following commutation of death sentences in the case of the first two.

Annex II

CORRESPONDENCE BETWEEN THE SPECIAL REPRESENTATIVE AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN, JULY-1 DECEMBER 2000

1. On 11 August 2000, the Special Representative joined the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in sending an urgent letter to the Minister for Foreign Affairs concerning the arrest of three journalists, Hojjatoleslam Hasan Yousefi Eshkevari, Ahmad Zeidabadi and Massoud Behnoud (the latter has now been released) and the closure of two newspapers, Bahar and Cheshmeh Ardebil. In the letter, a joint appeal was made to the Government to ensure everyone's right to freedom of opinion and expression. In a letter dated 2 January 2001 the Government informed the Special Representative that Mr. Massoud Behnoud had been released on bail on 16 December 2000.

2. The same signatories, joined by the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent a second urgent appeal on 16 November 2000 regarding the case of Hojjatoleslam Hasan Yousefi Eshkevari. In the letter, they referred to information received regarding his conviction on charges of apostasy, charges for which he could be facing the death sentence, and requested information concerning the steps taken by the Government to ensure the right to freedom of thought, conscience and religion and the right to life and physical integrity of Hasan Yousefi Eshkevari.

3. The Special Representative addressed a reminder to the Minister for Foreign Affairs concerning the continued detention of Abbas Amir-Entezam. In the letter, dated 15 August 2000, he referred to a number of requests for information and urgent representation sent by him on behalf of Mr. Amir-Entezam and observed that no response had been received from the Government. (According to unconfirmed reports Mr. Amir-Entezam has been released owing to his poor physical condition.)

4. By letter dated 15 August 2000, the Special Representative drew the urgent attention of the Iranian authorities to the reported imprisonment of Mansour Abdali, a Kurdish lawyer. According to the sources, he was arrested in 1992 in the city of Piranshehr. Currently, he is reported to be transferred regularly between Evin and Towheed prisons. The Government was requested to confirm the whereabouts of Mansour Abdali and to provide information as to the reasons for his detention, as well as assurances that he will be accorded the standard rights of prisoners.

5. On the same date, the Special Representative addressed a letter to the Minister for Foreign Affairs concerning the alleged arrest, mistreatment and conviction of Behrouz Javid-Tehrani. According to the information received, he was arrested in the aftermath of the student demonstration in July 1999. While in Evin and in Towheed prisons he was reportedly subjected to physical and psychological torture. It has been reported that Behrouz Javid-Tehrani had been convicted of apostasy. The Special Representative was

particularly concerned with the charges of apostasy and urged the Government to take appropriate steps to prevent future prosecutions for acts of religious conversion, whether or not they be categorized as apostasy.

6. The above-mentioned letter also referred to the reported arrest of Ardeshir Zare-Zadeh, the Secretary of the Centre for the Defence of Political Prisoners, on 31 May 2000, apparently for his efforts to publicize the case of Behrouz Javid-Tehrani.

7. Following reports that Bahram Namazi, Khosrow Seyf and Farzine Mokhber, leaders of the Iranian Nation Party, were convicted and sentenced to prison for between 13 and 15 years for "illegal political activities and anti-government propaganda" in March 2000, the Special Representative sent an urgent appeal on their behalf to the Minister for Foreign Affairs on 13 September 2000. By letter dated 4 December 2000, the Permanent Representative of the Islamic Republic of Iran to the Office of the United Nations at Geneva informed the Special Representative that the concerned authorities had reviewed the sentence and commuted it to a one-year term of imprisonment. This now having been served, the three have been released.

8. By letter dated 25 September 2000, the Permanent Representative transmitted to the Special Representative the following comments on paragraph 47 of his interim report to the General Assembly at its fifty-fifth session.

> Living conditions within prisons:
>
> "The construction of new prisons, based on modern standards and commensurate to existing needs, is high on the agenda of the Organization of Prisons. With the assistance of competent administrative organizations, especially the Organization of Management and Programming, effective measures have been taken so far, inter alia the construction of work treatment compounds in the provinces and the building of new prison accommodation."
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> Prison statistics:
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> "Figures given for the prison population in the country, as mentioned in the report of the Special Rapporteur, are wholly false and unrealistic. The Organization of Prisons regularly releases prisoner statistics for the benefit of the general public. According to their latest information, there are 147,000 persons detained on criminal charges or already convicted, of whom 90,000 are criminals involved in drug-related crimes. All in all, there are 110,000 persons in jail, excluding those accused persons who, pending charges, have been jailed on a temporary basis for two or three days."

9. On 15 September 2000, the Special Representative sent a letter to the Permanent Representative requesting his comments on the reported declarations of the head of an Iranian union organization concerning child labour. The official had reportedly declared that 300,000 Iranian adolescents and children are employed in Iran's workshops and factories and are poorly paid and lack social protection.

10. In response to the above-mentioned communication, the Permanent Representative, by letter to the Special Representative dated 6 December 2000, forwarded the following communication from the Ministry of Labour and Social Affairs:

> "The Islamic Republic of Iran is committed to the laws and regulations prohibiting child labour. The actual legislation in the country, in particular article 79 of the Labour Code, provides for the total prohibition of employing anyone less than 15 years of age.
>
> "Mr. Mahjoob in his declarations was actually referring to the adolescent workers (persons between 15 and 16 years of age). It should be noted that the employment of these workers, mainly for the purpose of training, would be possible subject to a health examination prior to the beginning of the employment process. Such health examination should be repeated yearly, and the medical examiner should endorse the suitability of the works assigned to the health of the adolescent worker. The working time for adolescent workers is half an hour less than the normal working time. It is also prohibited to assign any additional work, night work or hazardous work to the adolescent workers according to articles 80-83 of the Labour Code.
>
> "As regards the wage rate, social protection and conditions of work, adolescent workers are covered and protected in the same way as any other workers. The above-mentioned protections are in addition to the general protection provided for all workers.
>
> "Finally, the law and practice in the Islamic Republic of Iran concerning the prohibition of child labour is in conformity with the relevant international standards, and any violation of these regulations would be legally prosecuted by relevant officials of the country."

11. In a letter dated 2 October 2000 to the Minister for Foreign Affairs, the Special Representative referred to his previous communications regarding the disappearance of Pirooz Davani, editor-in-chief of the newspaper Pirouz, allegedly kidnapped by security forces at the end of August 1998. Except for a communication from the Permanent Representative, dated 28 May 1999, stating that the issue was under consideration, the Special Representative has no record of an answer to his previous representations. On the second anniversary of Mr. Davani's disappearance, the Special Representative requested the Government to further the investigation in order to clarify his whereabouts and fate.

12. The Special Representative joined the Special Rapporteur on the question of torture in sending a letter to the Government on 5 October 2000, regarding the following alleged cases of torture, concerning:

> **Mahmudali Chehregani**, a university professor and prominent member of the Azeri community. According to the information received, Dr. Chehregani, sentenced to six months' imprisonment on 18 February 2000, was subjected to torture whilst in prison. (According to unconfirmed reports he has now been released.)

Morteza Amini Moqaddam and **Hamed Nazemi**, accused of the murder of a battalion commander of the Revolutionary Guard. Amini, who may have been just 17 at the time of the offence, was reportedly sentenced to death on 16 December 1999, three days after the alleged incident. On 16 January 2000, it is believed he was taken to a public square where he stood for 30 minutes with a rope around his neck, before the victim's father forgave him and his sentence was commuted. Nazemi, who is understood to be 13 years old, was sentenced to 15 years' imprisonment and 74 lashes.

Ahmad Batebi, a 21-year-old student, reportedly arrested following the student demonstrations of 13 July 1999. He was allegedly beaten on several occasions and subjected to various kinds of psychological and physical torture. It is alleged that on one occasion he raised the issue of his torture during detention in the court. However, it was not reportedly investigated by the judge.

Akbar Mohammadi, brother of Manuchehr Mohammadi, a leading member of the National Association of Students and Graduates, was reportedly tortured during his detention in Evin prison following his arrest after the July 1999 demonstrations. Mr. Mohammadi was allegedly sentenced to death by a Tehran Revolutionary Court, but his sentence was commuted on 30 April 2000 to 15 years' imprisonment.

13. By letter dated 18 October, the Special Representative joined the Special Rapporteur on the independence of judges and lawyers in sending an urgent letter to the Minister for Foreign Affairs concerning the case of Shirin Ebadi and Mohsen Rahami, suspended by the Tehran Public Court from the practice of law. It is alleged that the Court failed to mention the legal basis on which it has proceeded to issue the rulings. The signatories expressed their concern in the context of Principles 26, 28 and 29 of the Basic Principles on the Role of Lawyers and Iranian law.

14. In the same letter, reference was made to the reported declarations of the first deputy to the Head of the Judiciary, Mullah Hadi Marvi, in which he stated that "A judge owes his appointment to the velayat-e faqih and does not have any independence in judgement". Reference was made to Principle 1 of the Basic Principles on the Independence of the Judiciary.

15. On 16 November 2000, the Special Representative, in conjunction with the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, and on the question of torture, and the Chairman of the Working Group on Arbitrary Detention sent an urgent representation on behalf of Akbar Ganji, a journalist. It is reported that he was arrested on 22 April 2000, in connection with his participation in a conference held in April 2000 sponsored by the Heinrich Böll Institute in Berlin. According to the information received, on 9 November 2000, Mr. Ganji told the court that he had been beaten and tortured in Evin prison. The signatories urged the Government to take the necessary steps to investigate, prosecute and impose appropriate sanction on any persons guilty of torture.

16. By letter sent on 24 November 2000, the Special Representative requested information about the whereabouts of Mahmood Salehi, as well as the reasons for his detention and assurance that he would be accorded the standard rights of prisoners, in particular access to medical treatment. Mr. Salehi, President of the Bakers Workers Union in the city of Saqqez, was

reportedly arrested on 28 August 2000 and sentenced to 10 months' imprisonment for his trade union activities. According to the information received, Mr. Salehi has problems with his one remaining kidney and is not receiving the necessary medical treatment.

17. The Permanent Representative forwarded to the Special Representative the following information:

> By letter dated 28 October 2000, information about the serial murders case; the Eskhevary case; the non-application of the death penalty to minors; age of majority for girls; cooperation with the human rights mechanisms of the United Nations; the participation of women in political and social affairs; the rule of law; and the situation of children;
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> By letter dated 12 September 2000, an article regarding the meeting of Jewish leaders with President Khatami;
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> By letter dated 11 December 2000, several articles regarding recent developments in human rights education; the situation of minorities; the reform of the judiciary system; and activities of new political parties.

This information has been used by the Special Representative in the preparation of this report.